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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,247	12/02/2003	John B. Amundson	H0005441-9950 (1161.11371)	3535
128 7590 09/24/2009 HONEYWELL INTERNATIONAL INC. PATENT SERVICES 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 09/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JOHN B. AMUNDSON, HEIDI J. FINCH and BRENT D. VICK

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Application No. 10/726,247  
Technology Center 2100

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Mailed: September 24, 2009

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Before Quita S. Gould, *Supervisory Paralegal Specialist, Contested Cases.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on February 25, 2009, wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

EXAMINER’S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner’s Answer mailed July 22, 2008, under the heading “Grounds of Rejection” are not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner’s Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

It is noted that the Final Rejection, mailed August 23, 2007, refers to a rejection of claim 55 under 35 U.S.C. § 112, second paragraph. However, the body of the rejection refers to claim 57 and identifies a limitation that occurs in claim 57, not in claim 55.

Appellants, in the Appeal Brief (pp. 14-15) filed February 25, 2008, and in the Reply Brief (p. 1) filed September 22, 2008, correctly noted this discrepancy.

The “Order Returning Undocketed Appeal to Examiner”, mailed February 25, 2009, requested clarification from the Examiner on this matter. Clarification was not found in the Advisory mailed September 1, 2009.

Clarification of the record is required for all “Grounds of Rejection to be Reviewed on Appeal” for all claims.

### CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to clarify the grounds of rejection as set forth in the Examiner’s Answer mailed July 22, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QSG/saw

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